

**Introduced by Committee on Environmental Quality (Senators Sher (Chair), Chesbro, Denham, Figueroa, Kuehl, McPherson, and Romero)**

March 19, 2003

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An act to amend Section 115840.5 of, and to amend and repeal Section 115825 of, the Health and Safety Code, and to amend Section 48003 of the Public Resources Code, relating to environmental health, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1074, as introduced, Committee on Environmental Quality. Solid waste: reservoirs.

Existing law, with certain exceptions, prohibits bodily contact with water in a reservoir in which water is stored for domestic use. Existing law authorizes, until January 1, 2004, recreational uses in the Modesto Reservoir if certain conditions are satisfied.

This bill would delete the January 1, 2004, repeal date, thereby extending this authorization indefinitely.

Existing law prohibits the California Integrated Waste Management Board from spending more than  $\frac{1}{2}\%$  of the total revenues deposited, or anticipated to be deposited, in the Integrated Waste Management Account during a fiscal year for the administration of certain provisions relating to the board's finances, during that fiscal year.

This bill would delete an obsolete provision in existing law.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 115825 of the Health and Safety Code, as amended by Section 1 of Chapter 968 of the Statutes of 2002, is amended to read:

115825. (a) It is hereby declared to be the policy of this state that multiple use should be made of all public water within the state, to the extent that multiple use is consistent with public health and public safety.

(b) Except as provided in Sections 115840, 115840.5, 115841, and 115842, recreational uses shall not, with respect to a reservoir in which water is stored for domestic use, include recreation in which there is bodily contact with the water by any participant.

~~(c) This section shall remain in effect only until January 1, 2004, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2004, deletes or extends that date.~~

SEC. 2. Section 115825 of the Health and Safety Code, as amended by Section 2 of Chapter 968 of the Statutes of 2002, is repealed.

~~115825. (a) It is hereby declared to be the policy of this state that multiple use should be made of all public water within the state, to the extent that multiple use is consistent with public health and public safety.~~

~~(b) Except as provided in Sections 115840, 115841, and 115842, recreational uses shall not, with respect to a reservoir in which water is stored for domestic use, include recreation in which there is bodily contact with the water by any participant.~~

~~(c) This section shall become operative on January 1, 2004.~~

SEC. 3. Section 115840.5 of the Health and Safety Code is amended to read:

115840.5. (a) In the Modesto Reservoir, recreational uses shall not include recreation in which any participant has bodily contact with the water, unless both of the following conditions are satisfied:

(1) The water subsequently receives complete water treatment, in compliance with all applicable department regulations, including coagulation, flocculation, sedimentation, filtration, and disinfection, before being used for domestic purposes. The disinfection shall include, but not be limited to, ozonation.

1 (2) The reservoir is operated in compliance with regulations of  
2 the department.

3 (b) The recreational use may be subject to additional conditions  
4 and restrictions adopted by the entity operating the water supply  
5 reservoir, if those conditions and restrictions do not conflict with  
6 regulations of the department, and are designed to further protect  
7 or enhance the public health and safety.

8 (c) The Modesto Irrigation District shall file, on or before  
9 January 1, 2002, with the Legislature, a report on the recreational  
10 uses at Modesto Reservoir and the water treatment program. The  
11 report shall include, but not be limited to, all of the following  
12 information:

13 (1) The estimated levels and types of recreational uses at the  
14 reservoir on a monthly basis.

15 (2) Levels of methyl tertiary butyl ether at various reservoir  
16 locations on a monthly basis.

17 (3) A summary of available monitoring in the Modesto  
18 Reservoir watershed for giardia and cryptosporidium.

19 (4) The sanitary survey of the watershed and water quality  
20 monitoring plan.

21 (5) An evaluation of recommendations relating to removal and  
22 inactivation of cryptosporidium and giardia as specified in the  
23 department water permit dated October 28, 1997.

24 (6) Annual reports provided to the department, as required  
25 pursuant to Sections I and IV of the department water permit dated  
26 October 28, 1997.

27 (7) An evaluation of the impact on source water quality due to  
28 recreational activities on the Modesto Reservoir, including any  
29 microbiological monitoring.

30 (8) A summary of any activities between the district and the  
31 county for operation of recreational uses and facilities in a manner  
32 that optimizes the water quality.

33 (9) The reservoir management plan and the operations plan.

34 (10) The annual water quality reports submitted to consumers  
35 each year.

36 ~~(d) This section shall remain in effect only until January 1,~~  
37 ~~2004, and as of that date is repealed, unless a later enacted statute,~~  
38 ~~that is enacted before January 1, 2004, deletes or extends that date.~~

39 SEC. 4. Section 48003 of the Public Resources Code is  
40 amended to read:

1 48003. The state board may not spend more than  $\frac{1}{2}$  percent  
2 of the total revenues deposited, or anticipated to be deposited, in  
3 the account during a fiscal year for the administration of this  
4 chapter during that fiscal year, ~~except that up to one hundred~~  
5 ~~sixteen thousand dollars (\$116,000) may be spent during fiscal~~  
6 ~~year 1989-90.~~

7 SEC. 5. This act is an urgency statute necessary for the  
8 immediate preservation of the public peace, health, or safety  
9 within the meaning of Article IV of the Constitution and shall go  
10 into immediate effect. The facts constituting the necessity are:

11 In order to make important changes to statutes concerning  
12 environmental health and quality at the earliest possible time, it is  
13 necessary that this act take effect immediately.

